

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

TIMOTHY TANM,

Plaintiff,

v.

Civil Action No. **3:12CV412**

WILLIAM C. SMITH, et al.,

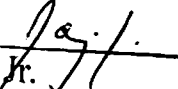
Defendants.

MEMORANDUM OPINION

On June 27, 2012, the Court conditionally docketed Plaintiff's action. Plaintiff requested leave to proceed *in forma pauperis*. By Memorandum Order entered on September 18, 2012, the Court directed Plaintiff to pay an initial partial filing fee of \$3.74 or state under penalty of perjury that he did not have sufficient assets to pay such a fee within eleven (11) days of the date of entry thereof. *See* 28 U.S.C. § 1915(b)(1). Plaintiff has neither paid the initial partial filing fee nor averred that he cannot pay such a fee. Therefore, Plaintiff is not entitled to proceed *in forma pauperis*. Plaintiff's disregard of the Court's directives warrants dismissal of the action. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate order shall issue.

Date: 1/17/13
Richmond, Virginia

<p>/s/  John A. Gibney, Jr. United States District Judge</p>
